

Guidance Note 1 - Additional Licensing in Wrexham

A Brief Introduction to the Scheme

What is Additional Licensing?

The Council has declared an Additional Licensing Scheme for all Houses in Multiple Occupation (HMOs) in the County Borough. The scheme will commence on the 1 November 2011 and will last for an initial period of five years.

All landlords that have HMOs will have to apply to the Council for a Licence. Additional Licensing does not apply to or affect properties that are licensable under the Mandatory Licensing Scheme.

Purpose of the Additional Licensing Scheme

The purpose of the Additional Licensing Scheme is to improve the standard of private rented property within the County Borough. In particular, officers will look at fire safety and the standard of kitchen and bathroom amenities, space heating etc. These standards are available to download via www.wrexham.gov.uk/hmo

Additional Licensing is also looking to tackle issues such as waste, anti social behaviour, energy efficiency and poor management. We aim to do this by applying appropriate licence conditions for each property and using the Housing Health and Safety Rating System.

Definition of a House in Multiple Occupation

Under the Housing Act 2004, House in Multiple Occupation is defined as follows:

- A house or flat which is let to **three or more** tenants who form **two or more** households and who share a kitchen, bathroom or toilet
- A house which has been converted entirely into bedsits or other non-self contained accommodation and which is let to **three or more** tenants who form **two or more** households and who share kitchen, bathroom and toilet facilities
- A converted house which contains one or more flats which are not wholly self contained (i.e. the flat does not contain within it a kitchen, bathroom and toilet) and which is occupied by **three or more** tenants who form **two or more** households
- A building which is converted entirely into self-contained flats if the conversion did not meet the standards of the 1991 Building Regulations and more than one third of the flats are let on a short-term tenancies.

In order to be a HMO the property must be used as the tenants' only or main residence. Properties let to students and migrant workers will be treated as their only or main residence and the same will apply to properties which are used as domestic refugees.

If there is any doubt whether your property is included in the Scheme, you should contact the Housing Standards team for clarification.

Exempt HMOs

Schedule 14 to the Act defines those buildings that are not HMOs for the purposes of licensing.

Buildings controlled or managed by public sector bodies etc (Paragraph 2)	Those owned or managed by the local authority or housing association
Buildings regulated otherwise than under this Act (Paragraph 3)	Buildings regulated under other legislation e.g. Children's homes etc
Buildings occupied by students (Paragraph 4) <i>This exemption only applies where the person managing or having control is a specified educational establishment.</i>	Those owned or managed by a specified educational establishment e.g. Specified Universities.
Buildings occupied by religious communities (Paragraph 5)	A building which is occupied principally for the purposes of a religious community whose principal occupation is prayer, contemplation, education or the relief of suffering. <i>This paragraph does not apply in the case of a converted block of flats to which section 257 applies.</i>
Buildings occupied by owners (Paragraph 6)	Any building occupied by the owner and his/her family and up to two other persons. <i>This paragraph does not apply in the case of a converted block of flats to which section 257 applies, except for the purpose of determining the status of any flat in the block</i>
Buildings occupied by two persons (Paragraph 7)	Any building which is occupied only by two persons who form two households.

Application Forms and How to Apply

The application can be completed online via www.wrexham.gov.uk/hmo . Application forms are also available to download via the above link. The applicant then has 6 weeks to complete and return the application form to the Housing Standards team at Ruthin Road, along with all relevant documentation. It will take a minimum of 8 weeks to complete the licensing process, although depending on the property it may take longer.

The form is available for completion online. The charge for applying online is the same as completing a paper application.

Incomplete applications will be returned and the duration of the licence will be reduced. Similarly, late applications will be subject to reduced licence duration.

Fees

The Fee for Additional Licensing is £700 per property, although the following discount is available:

- 50% reduction if the licence holder (normally, the owner) is accredited through the Landlord Accreditation Wales Scheme.

More information, including how to book on the Landlord Accreditation Wales course, is available at www.welshlandlords.org.uk or by calling 029 2087 1815.

Payment can be made directly through the online application process. If an applicant chooses to make a paper application, payment can also be made by cheque made payable to 'Wrexham County Borough Council'.

Documentation needed with Application

- Fee of £700 (or £350 if accredited under Landlord Accreditation Wales)
- Energy Performance Certificate
- Current Gas Safety Certificate (if gas at property)
- Periodic Inspection Report (PIR) for the Electrical Installation
- Layout plans for each storey showing location and dimensions of all rooms and circulation space within the property

If available:

- Fire Alarm installation, inspection and servicing certificate/report
- Any Planning permission or building regulation approval for conversion or change of use to HMO

Granting a Licence

The following matters must be considered in order to grant (or refuse) a licence:

1. That the house is suitable for occupation by a maximum number of persons or can be made suitable by the imposition of licence conditions.
2. That the proposed licence holder is a fit and proper person and most appropriate person to hold the licence
3. That the proposed manager is a fit and proper person to manage the property
4. That the proposed management arrangements are satisfactory

All of the above matters must be addressed in your application. Correctly completed application forms with all supporting documentation will enable the application to be processed promptly. Applicants are therefore advised to answer all questions in the application form having regard to the above matters. The Council must be satisfied that the property is suitable (or can be made), that the licence holder/manager are fit and proper and that management arrangements (e.g. dealing with anti social behaviour/waste) are satisfactory.

Enforcement Options and Appeal Mechanisms

There are a number of enforcement options available for non-compliance.

If a managing agent or landlord fails to make an application or, having submitted part of an application, then fails to provide all relevant documentation to us to complete the application in 6 weeks, then they could face prosecution for failure to licence the property. This has a maximum fine of up to £20,000.

If prosecuted and convicted for failure to licence then the landlord could face a Rent Repayment Order. This enables the tenants of the unlicensed property to apply to the Residential Property Tribunal (RPT) for up to 12 months of their rent back, whilst the property was unlicensed.

The licence will contain conditions relating to the on-going management of the HMO and there may be conditions requiring works to meet fire safety and amenity standards. If the licence

holder fails to comply with the conditions necessary, within set timescales, then they could face prosecution and a fine of up to £5,000 per offence.

Appeal

Before the final licence is issued a draft of the licence is sent to all relevant persons, giving 14 days within which to make representations to the Council about the proposed licence conditions.

If representations are made and the Council agrees then the terms of the licence may be varied. If no representations are made then the full licence and conditions document will be approved and sent to all relevant parties.

If the landlord or managing agent is not happy with the licence they have the right to appeal against the terms of a licence, or (if applicable) refusal to grant a licence. An appeal must be made to the Residential Property Tribunal within 28 days of granting or refusal of the licence.

Contact details for the Residential Property Tribunal:

Residential Property Tribunal,
Southgate House,
1st Floor, West Wing,
Wood Street,
Cardiff,
CF10 1EW.

Licence Register

A register is kept at the Strategic Housing Services Offices at Ruthin Road, Wrexham. It contains details of all licensed properties including licence holder/landlord name and address as well as the licensed property address. This register is available for the public to view during office hours.

Mandatory Licensing

Those properties that are licensable under mandatory licensing will not be affected by the introduction of Additional Licensing. Houses that need to be licensed under Mandatory Licensing are properties of 3 or more storeys with 5 or more tenants forming 2 or more households.

Contact Details

The Housing Standards team are here to help all landlords, agents and tenants with understanding and implementing Additional Licensing. If you have any questions or queries about the Scheme please contact us at the following address and telephone number.

Housing Standards and Strategy,
Strategic Housing Services,
Ruthin Road,
Wrexham,
LL13 7TU.

Tel: 01978 315579
Email: hmo@wrexham.gov.uk
Website: www.wrexham.gov.uk/hmo